

TITLE 13. MOTOR VEHICLES

ARTICLE 2.55. CALIFORNIA IGNITION INTERLOCK DEVICE PROGRAM

§125.00. Definitions.

As used in this article, the following definitions shall apply:

(a) "Bypass" of an ignition interlock device, as used in Vehicle Code Section 23575, shall mean the same as "circumvention" as contained in the federal model specifications for breath alcohol ignition interlock devices as published by notice in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992, pages 11774 - 11787.

(b) To "tamper" with an ignition interlock device, as used in Vehicle Code Section 23575, means an overt, conscious attempt to alter, physically disable, or disconnect the ignition interlock device from its power source, and thereby allow a person with a breath alcohol concentration above the setpoint to start the engine. Examples of tampering with an ignition interlock device include, but are not limited to, the following:

- (1) Altering the wiring of the vehicle which will allow the starting of the vehicle without blowing a passing test.
- (2) Modifying the functionality of the breath unit.
- (3) Altering, deleting, or modifying the electronic log.

NOTE: Authority cited: Sections 1651 and 23575, Vehicle Code. Reference: Section 23575, Vehicle Code.

§125.02. Certification of Ignition Interlock Devices.

An ignition interlock device shall not be installed, or used as part of a program for driving under the influence offenders unless the model or type of device has been certified by the department in accordance with the requirements of this article.

(a) An individual, partnership, or corporation may apply to the department for certification of an ignition interlock device by submitting a completed application to the department. A separate application is required for each model or type of device. A completed application shall contain the following:

(1) Form DL 9, Application for Certification of Ignition Interlock Device (REV. 4/2000). The application form shall contain the following information:

- (A) The name of the individual, partnership, or corporation which manufactures the device.
- (B) The name and model number of the device.
- (C) The business address and telephone number of the manufacturer.
- (D) The business name under which the device will be marketed.

(E) Information specific to the type of business entity. If a sole proprietorship, the name and address of the sole owner. If a partnership, the partnership name, and the name and address of each general and limited partner. If a corporation, the California corporation number and the name, address and title of each principal officer, director, or stockholder participating in the direction, control, and management of the policy of the business.

(F) A statement signed by the sole proprietor, each partner, or a corporate officer authorized to sign for the corporation (the corporate seal may be affixed), under penalty of perjury under the laws of the state of California, that all statements made on the application and all attachments to the application are true and correct.

(2) A detailed description of the device, including a photograph, drawing, or other graphic depiction of the device.

(3) Complete technical specifications describing the device's accuracy, reliability, security, data collection and recording, tamper detection, and environmental features.

(4) A complete and true copy of data from an independent laboratory demonstrating that the device meets or exceeds the minimum federal standards pursuant to Vehicle Code Section 13386(c). For purposes of this article, the term "independent laboratory" shall be interpreted to include any of the following, provided the laboratory is properly equipped and staffed to conduct laboratory tests on ignition interlock devices to ensure they meet the accuracy requirements and specifications provided in Sections 1 and 2 of the model specifications for breath alcohol ignition interlock devices as published as a Notice in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992, on pages 11774-11787:

(A) a state-run laboratory

(B) a private laboratory which can demonstrate its capability to carry out the required tests

(C) a laboratory certified by a state department of Public Health to conduct chemical tests

(5) A certification on Form DL 28, Laboratory Report (REV. 3/2000), signed by an authorized official of the laboratory which tested the device, that the device was tested by the laboratory indicated in accordance with the federal regulations and that the device was found to satisfy the requirements of Sections 1 and 2 of the model specifications for breath alcohol ignition interlock devices as published as a Notice in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992, on pages 11774-11787. The certification shall specify that the laboratory used properly maintained equipment, and trained personnel to conduct the tests, and that the test results are accurate. The Laboratory Report shall include the name, address and telephone number of the testing laboratory; the name, model number, and description of the device tested.

(6) A complete listing of all authorized installers that includes the name, location, Bureau of Automotive Repair number, telephone number, contact name, and hours of operation. A manufacturer shall submit an updated list to the department within 10 days of the change when there are any additions or deletions to the list of authorized installers.

(7) A copy of the instructions that will be provided to authorized installers, including complete instructions for installation, operation, service, repair, and removal of the device.

(8) A copy of the written instructions that will be provided to participants who have the device installed.

(9) A certificate from an insurance company that the manufacturer holds product liability insurance and that the department is named as an additional insured. The policy limit shall be a minimum of one million dollars (\$1,000,000). The liability insurance shall include coverage for manufacturing, defects in product design and materials, calibration, installation, and removal of devices. The certificate of insurance shall contain a statement that the insurance company will notify the department 30 days before cancellation of the insurance.

(10) A signed statement that the manufacturer shall indemnify and hold harmless the state of California, the department and its officers, employees and agents from all claims, demands, and actions, as a result of damage or injury to persons or property which may arise, directly or indirectly, out of any act or omission by the manufacturer relating to the installation, service, repair, use and removal of an ignition interlock device.

(11) A copy of the fee schedule or schedules adopted by a manufacturer and manufacturer's agent pursuant to subdivision (f) of Section 13386 of the Vehicle Code. If there are any changes to

an adopted fee schedule, a manufacturer shall submit the updated fee schedule to the department within 30 days of the changes.

(12) An imprint of the manufacturer's stamp. If the stamp is changed, the manufacturer shall provide an imprint of the new stamp to the department 30 days prior to its use.

(13) An application fee of \$100.00.

(b) The department may have the laboratory test results reviewed, at the manufacturer's expense, by an agency or individual outside the department, and of the department's choice, when such review is deemed necessary to determine whether or not a device meets the requirements for certification.

(c) The department may require that manufacturers install devices on vehicles approved by the department to field test the devices.

(d) The department shall certify, or refuse to certify, a device within 90 days of receipt of a complete application. The department shall notify the manufacturer within 10 days of receipt of the application if the application is incomplete and shall specify what information or documents are needed to complete the application.

(e) An applicant who has not received notification within the time periods specified may file an appeal with the Secretary of the Business, Transportation and Housing Agency in accordance with Chapter 6 of Division 3 of Title 21 of the California Code of Regulations. If the Secretary finds that the department failed to provide the notification required within the time period specified without good cause, the department shall reimburse the applicant fully for all application fees paid.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 1652 and 13386, Vehicle Code, and Sections 15374-15378, Government Code.

§125.04. Modification of Certified Device.

A manufacturer shall notify the department in writing of any material modification or alteration in the components, design or installation and operating instructions of any device certified for use in this state. The manufacturer shall provide the department satisfactory proof (to include retesting by an independent laboratory, if required by the department), prior to the sale or distribution of a modified or altered device, that these modifications or alterations do not adversely affect the ability of the device to satisfy the requirements of the minimum federal standards pursuant to Vehicle Code Section 13386 (c).

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Section 13386, Vehicle Code.

§125.06. Compliance with Changes in Certification Requirements.

(Reserved for future use.)

Note: Authority cited: Section 1651, Vehicle Code. Reference: Section 13386, Vehicle Code.

§125.08. Refusal, Suspension or Revocation of Device Certification.

(a) The department may refuse to certify a device, or may suspend or revoke the certification of a device and remove it from the list of certified devices, for any of the following reasons:

(1) Defects in design, materials, or workmanship of the device causing repeated failures of a device to function as intended.

(2) Termination or cancellation of a manufacturer's liability insurance.

- (3) The manufacturer ceases to manufacture ignition interlock devices.
 - (4) Voluntary request by a manufacturer to cancel certification of a device.
 - (5) Violation of a provision of this article by a manufacturer or authorized installer.
 - (6) The manufacturer or certifying laboratory provides materially false or inaccurate information relating to the performance of a device.
 - (7) Modification or alteration of the components, design, or installation and operation instructions in such a way that the requirements of the minimum federal standards adopted in Vehicle Code Section 13386 (c) are no longer satisfied.
 - (b) Suspension or revocation of certification shall be effective 30 days after written notification is sent to the manufacturer by certified mail. The notice of suspension or revocation shall specify the basis for the action.
 - (c) Within ninety days of the suspension or revocation of certification, the manufacturer shall be responsible for and shall bear the cost of removal of any and all de-certified devices and the replacement with a certified device regardless of the manufacturer of the device being substituted.
- NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Section 13386, Vehicle Code.

§125.10. Referral to an Authorized Installer.

- (a) A manufacturer shall only refer a driver participating in the ignition interlock program (a participant) to an authorized installer who meets the requirements in Sections 3363.1 through 3363.4 of Title 16 of the California Code of Regulations. The manufacturer is responsible for ensuring that installation procedures established in Title 16 are followed by the authorized installer.
 - (b) A manufacturer shall provide the department with a toll-free telephone number through which participants may be referred to authorized installers.
 - (c) A manufacturer is responsible for ensuring an authorized installer has the training and skills necessary to install, troubleshoot, and check for proper operation of the device, and to screen the vehicle for acceptable condition.
- NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Section 13386(f), Vehicle Code.

§125.12. Service and Maintenance of Ignition Interlock Devices.

- (a) A manufacturer shall ensure that an authorized installer complies with the following:
 - (1) Provides all participants with the following:
 - (A) A verification of installation report upon installation of an ignition interlock device. When reporting verification of installation to the court, the installer shall complete a court-authorized verification of installation form. When reporting verification of installation for a department-restricted driver license pursuant to subdivisions (a)(3) through (a)(7) of Section 13352 of the Vehicle Code, the installer shall complete the Verification of Installation, form DL 920 (NEW 11/99) pursuant to Section 125.16 of this article.
 - (B) Written instructions on cleaning and caring for the device.
 - (C) Written instructions on types of vehicle malfunctions or repairs that may affect the device, and what to do when such repairs are necessary.

(D) Written and hands-on training for the participant and all persons who operate the vehicle on use of the device after it is installed in the vehicle.

(E) A 24-hour emergency phone number that may be used to request assistance in the event of failure of the device or vehicle problems related to operation of the device. The assistance provided by the authorized installer shall include technical information, tow service, or road service. The device shall be made functional within 48 hours of the call for assistance, or the device shall be replaced.

(2) Follows the manufacturer's specifications for service and repair of an ignition interlock device.

(3) Services the device in intervals not to exceed 60 days. Service shall include, but not be limited to, physical inspection of the device and vehicle for tampering, calibration of the device, and monitoring of the data contained within the device's memory. If a participant fails to maintain the device pursuant to Section 23575 of the Vehicle Code, the installer shall report non-compliance to the appropriate court or the department within three working days.

(A) If a participant fails to return the vehicle for recalibration within 60 days, and does not contact the installer to reschedule the appointment for service, the installer shall schedule another appointment within seven days of the missed appointment. The installer shall notify the participant of the new appointment by mail and by telephone, if possible. If the participant fails to keep the second appointment, and does not contact the installer to reschedule the appointment, the installer shall schedule a third appointment within seven days of the missed appointment. The installer shall notify the participant of the new appointment by mail and by telephone, if possible. If the participant fails to keep the third appointment, the installer shall report the participant's non-compliance to the department on the Notice of Non-Compliance, form DL 921 (NEW 11/99), pursuant to Section 125.18 of this article.

(B) If the participant is unable to return the vehicle for recalibration within 60 days due to military service, a family death, or similar event beyond the control of the participant, and the participant can document the event to the satisfaction of the installer prior to non-compliance being reported to the department by the installer, the installer may extend the time for recalibration as appropriate. If the participant fails to return the vehicle for recalibration as scheduled, the installer shall follow the procedure in subdivision (A) to determine non-compliance.

(C) When reporting non-compliance to court personnel, the installer shall follow procedures and forms provided by the appropriate court.

(4) Each time a device is serviced, downloads all the data recorded in the device's memory and retains a complete copy in the participant's file. A copy of the calibration results shall also be included in the participant's file.

(5) Conducts physical tamper inspections any time the device is serviced, or given routine inspection, maintenance, or repair. A tamper inspection shall include the following:

(A) Checking the device for proper operation of tamper detection capabilities. If tampering is detected, the inspection shall also include installation wiring connection and tamper seals.

(B) Documenting any evidence of tampering by photographing damage, electronic recording, or written documentation. Such evidence or copies, if originals are sent to a court or the department, shall be retained in the participant's file.

(C) The installer shall report any evidence of attempts to bypass or circumvent the device or of physical tampering to the appropriate court or the department within three working days. When reporting such evidence to the department, the installer shall complete the Notice of Non-Compliance, form DL 921 (NEW 11/99) pursuant to Section 125.18 of this article.

(D) After the evidence of tampering has been recorded or photographed, and reported to the appropriate court or the department, restoring the system and its tamper seals, or equivalents, and all other components to their original condition to prevent further abuse.

(b) Whenever a device is removed, a manufacturer shall ensure that the vehicle is restored to its original condition by the authorized installer. The authorized installer shall send an "Ignition Interlock Removal and Modification to Probation Order" form to the appropriate court personnel, or an "Ignition Interlock Notice of Removal, " form DL 922 (NEW 11/99) pursuant to Section 125.20 of this article, to the department, within three working days after removal of a device.

(c) A manufacturer shall be responsible for providing continuing service by an authorized installer during the period the device is installed, without interruption, when an authorized installer is replaced with another authorized installer.

(1) The manufacturer shall obtain participant records and data from an authorized installer being replaced, and shall provide them to the new installer, if any, or shall retain the records and data as required in Section 125.14 of this article.

(2) If the authorized installer is not replaced, the manufacturer shall ensure that each participant with an existing, installed device is able to obtain the required service within a similar distance or less from the participant's residence or place of business. If there are installed devices for which authorized service is no longer accessible, such devices shall be replaced by the manufacturer, at no cost to the participant, with a device for which an authorized installer is located at a similar distance or less from the participant's residence or place of business.

(3) The manufacturer shall make every effort to notify all participants of a change of the authorized installer or replacement of the device 30 days before the change or replacement will occur. When the manufacturer is unable to notify participants 30 days prior to the change or replacement, the manufacturer shall notify all participants of the change as soon as possible.

(4) The manufacturer shall be responsible for, and shall bear the cost of, removal of the original device and replacement with a certified device, regardless of the manufacturer of the device being substituted.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 13386 and 23575(g), Vehicle Code.

§125.14. Facilities and Records.

(a) A manufacturer shall ensure that an authorized installer, after a device is removed, maintains for a minimum of five (5) years a record of all installations and/or service performed. Each participant's record shall contain all documentation of installation, service, recalibration and removal of ignition interlock devices, including:

(1) All completed copies of ignition interlock device program forms used by the court.

(2) All completed copies of "Verification of Installation" (DL 920) forms.

(3) Any completed copies of "Notice of Non-Compliance" (DL 921) forms.

(4) All completed copies of "Notice of Removal" (DL 922) forms.

(5) Copies of photographs or other evidence of tampering, noncompliance, and attempts at circumvention reported to court or department personnel.

(6) Copies of service orders to repair devices that fail to work properly.

(7) Copies of any notification provided to the installer by the participant pursuant to subdivision (a)(3)(B) of Section 125.12 of this article.

(b) A manufacturer shall ensure that each authorized installer meets the requirements specified in Sections 3363.1 through 3363.4 of Title 16 of the California Code of Regulations, and Section 9884.6 of the Business and Professions Code.

(c) A manufacturer shall ensure that an authorized installer has the stamp of the manufacturer of the device, meaning a stamping tool, not an imprint.

(d) The department may obtain copies of participants' records directly from an authorized installer, or may inspect the records of the authorized installer or the installation site during regular business hours.

(e) A manufacturer is responsible for obtaining from any authorized installer of its certified device the current fee schedule, including provisions for the payment of the costs of the device by an applicant in amounts commensurate with the applicant's ability to pay. The fee schedule shall include the cost of all services provided, including, but not limited to, standard charges for installation, service and maintenance, and removal of the devices, and any non-standard charges for service and maintenance of devices.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Section 13386, Vehicle Code.

§125.16. Verification of Installation.

(a) A participant shall submit the \$15 fee specified in Section 124.95 of Title 13 of the California Code of Regulations and a Verification of Installation, Form DL 920 (NEW 11/99) upon application for a restricted driver license pursuant to subdivisions (a)(3) through (a)(7) of Section 13352 of the Vehicle Code. This fee and form is in addition to all other application requirements. The Verification of Installation, Form DL 920 (NEW 11/99) shall contain the following information:

- (1) The stamp of the manufacturer of the device.
- (2) The participant's name and driver license number.
- (3) The participant's mailing address, and residence address, if different from the mailing address.
- (4) The participant's birth date.
- (5) The participant's home and work telephone numbers.
- (6) The name of the manufacturer of the ignition interlock device installed.
- (7) The installation facility name, Bureau of Automotive Repair number, and address.
- (8) The date the device was installed.
- (9) The make, year, license plate number, and vehicle identification number of the vehicle in which the ignition interlock device was installed.
- (10) The installer's printed name and a statement signed and dated by the installer, under penalty of perjury under the laws of the State of California, that the information provided on the form is true and correct.
- (11) The installer's daytime telephone number.

(b) The Verification of Installation, Form DL 920 (NEW 11/99), may contain the date of the next monitor check.

(c) Completed copies of the Verification of Installation form (DL 920) shall be distributed as follows:

(1) The original completed Verification of Installation form (DL 920) shall be submitted to the department at a local field office, or mailed to the Department of Motor Vehicles, Mandatory Actions Unit, Mail Station J233, P.O. Box 942890, Sacramento, California, 94290-0001.

(2) One copy each shall be provided to the driver, the installer of the device, and the manufacturer of the device or the manufacturer's agent.

NOTE: Authority cited: Sections 1651, 13352, and 13386, Vehicle Code. Reference: Sections 1652, 13352 and 13386, Vehicle Code.

§125.18. Notice of Non-Compliance.

(a) An installer shall submit to the department a Notice of Non-Compliance, form DL 921 (NEW 11/99), if an ignition interlock device indicates that the participant has attempted to remove, bypass, or tamper with the device, or if the participant fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device, pursuant to subdivision (g) of Section 23575 of the Vehicle Code. The Notice of Non-Compliance (DL 921) shall contain the following information:

- (1) The participant's name and driver license number.
- (2) The participant's mailing address, and residence address, if different from the mailing address.
- (3) The participant's date of birth.
- (4) The participant's home and work telephone numbers.
- (5) The name of the manufacturer of the device.
- (6) The installation facility name, Bureau of Automotive Repair number, and address.
- (7) The serial number of the device and the date the device was installed in the vehicle.
- (8) The make, year, license plate number, and vehicle identification number of the vehicle with the ignition interlock device.
- (9) Whether the installed device shows evidence of attempts to remove, bypass or tamper with the device, and the corresponding date or dates.
- (10) Whether the participant failed three or more times to comply with the device maintenance or calibration requirements, and the corresponding dates of non-compliance.
- (11) The installer's printed name and a statement signed and dated by the installer, under penalty of perjury under the laws of the State of California, that the information provided on the form is true and correct.
- (12) The installer's daytime telephone number.
- (13) The date the form is sent to the department.

(b) Completed copies of the Notice of Non-Compliance form (DL 921) shall be distributed as follows:

(1) The installer shall submit the original completed Notice of Non-Compliance form (DL 921) to the department. The installer may mail the form to the Department of Motor Vehicles Mandatory Actions Unit, Mail Station J233, P. O. Box 942890, Sacramento, California, 94290-0001, or fax the completed form to the department at (916) 657-6001.

(2) One copy each shall be provided to the driver, the installer of the device, and the manufacturer of the device or the manufacturer's agent.

NOTE: Authority cited: Sections 1651 and 23575, Vehicle Code. Reference: Sections 1652, 13386 and 23575, Vehicle Code.

§125.20. Notice of Removal.

(a) An installer shall submit to the department an Ignition Interlock Notice of Removal, Form DL 922 (NEW 11/99) when the installer removes an ignition interlock device, pursuant to Section 125.12 of this article. The Ignition Interlock Notice of Removal form (DL 922) shall contain the following information:

- (1) The stamp of the manufacturer of the device.
- (2) The participant's name and driver license number.
- (3) The participant's mailing address, and residence address if different from mailing address.
- (4) The participant's birth date.
- (5) The participant's home and work telephone numbers.
- (6) The date the ignition interlock device was removed.
- (7) The make, year, license plate number, and vehicle identification number of the vehicle from which the ignition interlock device was removed.
- (8) If an ignition interlock device was installed or remains installed in another vehicle owned or operated by the participant, the vehicle make, year, license plate number, and vehicle identification number of that vehicle, the date of installation, and the date of next monitor check.
- (9) The name of the manufacturer of the device removed.
- (10) The name, Bureau of Automotive Repair number, and address of the installation facility that removed the device.
- (11) A certification signed and dated by the installer, under penalty of perjury under the laws of the State of California, that the information provided on the form is true and correct.
- (12) The installer's printed name and daytime telephone number.
- (13) The date the form is sent to the department.

(b) Completed copies of the Notice of Removal form (DL 922) shall be distributed as follows:

(1) The installer shall submit the original completed Notice of Removal form (DL 922) to the department. The installer may mail the completed form to the Department of Motor Vehicles Mandatory Actions Unit, Mail Station J233, P. O. Box 942890, Sacramento, California, 94290-0001, or fax the completed form to the department at (916) 657-6001.

(2) One copy each shall be provided to the driver, the installer of the device, and the manufacturer of the device or the manufacturer's agent.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 1652, 13386, and 23575(g), Vehicle Code.

§125.22. Notice to Employers Regarding an Ignition Interlock Restriction.

(a) The department shall provide to any requesting participant a Notice to Employers, Ignition Interlock Restriction, Form DL 923 (NEW 11/99).

(b) The participant shall provide a Notice to Employers, Ignition Interlock Restriction (DL 923) to any employer who owns a vehicle that the participant must operate during the course of employment, and keep a copy of the Notice to Employers Ignition Interlock Restriction in his or her possession or with the vehicle operated. The Notice to Employers, Ignition Interlock Restriction form (DL 923) allows the participant to operate the employer's vehicle without an ignition interlock device. The Notice to Employers, Ignition Interlock Restriction form (DL 923) shall contain the following information:

- (1) The participant's name.
- (2) The employer's name.
- (3) The business name, telephone number, and address.

(4) A certification signed and dated by the employer, under penalty of perjury under the laws of the State of California, that the employer has been notified by the employee pursuant to Section 23576 of the Vehicle Code.

NOTE: Authority cited: Sections 1651 and 23576, Vehicle Code. Reference: Sections 1652 and 23576, Vehicle Code.